

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

February 12, 2021

Chief Judge Diane S. Sykes

No. 07-21-90004

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against a judge who presided over his 42 U.S.C § 1983 lawsuit. He alleges that the judge failed to file or rule on his motion to dismiss for more than eighteen months. The docket reflects otherwise. Complainant's motion was filed and entered on the district court's docket on July 9, 2019, and the judge granted the motion on July 15, 2019. Accordingly, the complaint must be dismissed because it "lack[s] any factual foundation [and is] conclusively refuted by objective evidence." 28 U.S.C. § 352(b)(1)(B).

Even if the allegations were not conclusively refuted by the record, they nonetheless relate to "the merits of a decision or procedural ruling" and therefore are subject to dismissal. *See id.* § 352(b)(1)(A)(ii). "Any allegation that calls into question the correctness of an official action of a judge ... is merits related." Standard 2 for Assessing Compliance with the Act, *Implementation of the Judicial Conduct and Disability Act of 1980: A report to the Chief Justice* 145 (2006).

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii) and (b)(1)(B).